

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, February 16, 2022.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Charles Cofield, Commissioner Kenell Broomstein and Commissioner Espinoza-Toro.

Hearing Begins: 1:05 PM

I. MINUTES

January 19, 2022, minutes accepted and approved (motioned by Commissioner Cofield, second by Commissioner Broomstein and approved by all).

Commissioner Burton – This being the month of February/Black History month, I’d like to remind us of the purpose we are here. The Boston Residents Jobs Policy was created to provide access to People of Color, specifically, black people to construction jobs in the city. The construction industry has excluded black people except for slavery (nearly every building older than 1847 was built by the enslaved labor of black people) and we are demanding that we (black people, people of color and women) be given the opportunities to work in an industry that has excluded us. We will identify opportunities, talk about the progress and successes projects have had and look at special presentations of future projects that we know will help all of Boston’s residents.

II. SPECIAL PRESENTATIONS

A. 3368 Washington Street

Duration: 21 mins.

Present: David Aiken (The Community Builders), Chris Ianella (Cranshaw Construction), Bryan Miller (Cranshaw Construction), Evan Hall (Cranshaw Construction), Riani Ragno (Cranshaw Construction), Jan Griffin (Pine Street Inn), Rhianna Bernal (Mayor’s Office of Housing) and Celso Ribeiro (BRJP Monitor)

Overview:

David Aiken (The Community Builders): 3368 Washington Street project in Jamaica Plain is a five-story building consisting of 202 income-restricted rental units. The building is owned by Pine Street Inn and is a Joint Venture with Community Builders. 140 units for Permanent Supportive Housing for formerly homeless individuals; 62 units for households earning between 30% – 80% AMI; 14,000 sq. ft. – office space for Pine St. Inn; 800 sq. ft. – multipurpose community room and Below-grade parking, mechanical, and storage spaces. **Bryan Miller (Cranshaw Construction):** This is a 22-month project (10/2023). Abatement began early January 2022. Subcontractors 100% Awarded. 30% MBEs and 10% WBEs - American Environmental (MBE), DCR (WBE), Endpoint Specialty (MBE), Frontline (WBE), General Air (MBE), GIC (MBE + WBE), Inner City (MBE), Novel Iron (WBE), Outkast (MBE), Vertex (WBE), Village Forge (WBE), NBS (WBE), Willco (WBE). **Riane Ragno (Cranshaw Construction):** Workforce Diversity Efforts – Building Pathways, YouthBuild, Renaissance Group, New England Regional Council of Carpenters (NERCC), InOrder Business Solutions, Massachusetts Building Trades Council (MBTC), The National Association of Women in Construction (NAWIC), PWC Boston. Job application box is posted onsite. Applications are collected daily, reviewed for fit and sent to applicable trades and pre-apprenticeship programs. Cranshaw is informed of hire or not hired. After trade review, applications are sent to the Boston Jobs Bank for further appropriate steps. **Commissioner Cofield:** How much of the project is bought out and who are subcontractors? Bryan – 100%. Site Work – J. Derenzo, Foundation and Concrete – Marguerite, Structural Steel – Novel Ironworks, Miscellaneous metals - Village Forge, Rough and Finish Carpentry - East Coast Interiors, Drywall – Maganaro, Fire Protection – Inner City Fire Protection, HVAC, General Air Conditioning, Plumbing – PJ Kennedy and Electrical – Outkast. **Commissioner Cofield:** Do you foresee any concerns with these contractors? **Bryan** – These are contractors we have worked with in the past and have done well with. I don’t foresee there being any problems.

Commissioner Broomstein: What is the history of these subcontractors regarding women workforce percentages?

Bryan: I don't have record of their workforce projections. **Commissioner Burton:** What are the protections or contract instruments to be used for non-compliance? **Bryan:** We developed a Community Outreach program written into each subcontractor's contract with us which requires that they do mass mailings, hold job fairs as well as absorb any fees imposed on us for requirements not met. We can also withhold funds until compliance is met.

Commissioner Burton: I noticed that the development team has set a tone for diversity on the project with Nitsch Engineering, a women-led, women owned business. Are there any other diverse businesses? Although it doesn't affect the BRJP goal requirements, it's a great added value to see. **David:**

The landscape architect, Studio 2012 is women-owned, lead consultant, VBS Consulting (WBE). There may be others and I can report that back to Celso. **Commissioner Burton:** For information purposes that would be helpful.

Public:

Mukiya Gomez (Community Advocate): The subcontractors you mentioned you have used in the past, have you tracked their compliance record and employment goal challenges? In addition, have you tracked the MBEs and WBEs challenges as well? Also, you listed organizations of workforce diversity outreach but no community-based employment agencies like the Urban League or ABCD. They would be helpful. What is your timetable for achieving the employment target on this project? **Bryan:** Our timetable is to meet the goal out of the gate (day 1). Yes, we have tracked the past history of the subcontractors and we have programs in place that will help meet or provide resources. If there is a list of those you recommended, we are happy to look at the local companies and implement them.

Commissioner Burton: The Urban League has been a strong community-based organization for quite some time (nearly 100 years). Please lean into your collaboration with Shelley Webster (InOrder Business Development Solutions). **Shelley:** Dakota is taking the lead on this project. **Commissioner Espinoza-Toro:** David and Bryan, please connect with me. This project is happening in Jamaica Plain. JPNDC does have a workforce program. **Bryan:** I will follow-up with you Commission. **Dakota Jones (Inorder Business Development Solutions):** I know JPNDC well and I live in Jamaica Plain. I will be sure to follow-up with you, as well, Commissioner.

Commissioner Burton: I'm glad for the collaboration. It takes all solutions to make things work. **Rhianna Bernal (MOH):** We support the project and have significant funding in the project. We continue to monitor the project with the help of Celso and our construction monitoring team. **Mukiya Gomez (Community Advocate):** I noticed you listed the apprenticeship program, Building Pathways and Youthbuild. Do you have projections on apprenticeship opportunities? **Bryan:** We have goals as set forth by the BRJP ordinance, but that's not estimated at this time. We are just ramping up and don't have trades on site right now. As we near that point, we will work with the trades to supplement their workforce with some of those organizations. **Mukiya:** I'm hoping you are creative on your outreach considering where the project is located.

A. 9 Leyland Street

Duration: 24 mins.

Present: Beth O'Donnell (Dorchester Bay Economic Development Corp.) Sharon Cho (Dorchester Bay Economic Development Corp.), Alex Bob (Dorchester Bay Economic Development Corp.), Jacqueline Maloney (Kaplan), Nate Peck (Kaplan Construction), Kirsten Studien (Mayor's Office of Housing) and Celso Ribeiro (BRJP Monitor)

Overview:

Sharon Cho (Dorchester Bay Economic Development Corp.): 9 Leyland Street (adjacent to the Kroc Center on Dudley St.) is new construction of 43 affordable senior housing units; Financing: Federal 9% LIHTC/State LIHTC/City and State Funding/First Mortgage/Seller Note; Number of Rental Vouchers: 24 (11 for 30% AMI, 13 for 50% AMI).

Project Team: Sponsor Dorchester Bay Economic Development Corporation (MBE); General Contractor Kaplan Construction (WBE); Architect Davis Square Architects; Clerk of the Work CS2C/NE (MBE); Management Agent - Hebrew SeniorLife. **Jacqueline Maloney (Kaplan Construction): Construction Schedule:** Mobilization – January 2022; Foundations – February - March 2022; Superstructure – July - September 2022; Interior Fit Out – September 2022 – April 2023; Substantial Completion – June 2023. **Contractors Bought Out (Awarded Subcontractors – 80% of the bigger scopes):** Support of Excavation Sea & Shore Sitework & Utilities Conneely Concrete Pegasus / Form Up Masonry Pegasus Structural Metals Dykeman Misc. Metals Dykeman Rough Carpentry Turnkey Moisture Protection & Siding Bridgeline Dampproofing All in One Vapor Barrieroer @ SOG Pegasus / Form Up Insulation All in One Roofing Sontz Roofing Doors, Frames, Hardware Kaplan Windows Yaro Glass & Glazing Allstate Elevators KONE Sprinklers Lynco Fire Protection Plumbing CMP Electrical NHK. Finishes and Specialties remain to be awarded.

Workforce Diversity Efforts/Community Partners - Kaplan partners with Conrad & Associates for labor

compliance; Kaplan co-hosted a job fair on 1/27/22 with Conrad & Associates; Kaplan posted job ads to the following organizations: Bay State Banner; Newmarket Jobs Initiative; Boston Jobs Bank and Constructcareers. **List of M/WBE Contractors:** Kaplan Construction – WBE; Pegasus – MBE, Section 3 Turnkey – MBE; NHK – MBE; Total MBE Awarded to Date: 32% Total WBE Awarded to Date: 15%. **Job Application Process:** Kaplan collects applications from job fairs and various online postings; Applications get reviewed by Kaplan PMs and operations manager; Applicant is engaged if he/she shows relevant experience and is a good fit for the project.

Public:

Mukiya Baker-Gomez (Community Advocate): How many employment opportunities do you anticipate on this project and what trades will be the longest used? I'm pleased with the composition of the M/WBEs but would like to see it expanded. What percentage of the M/WBEs do work in the City of Boston? **Nate Peck (Kaplan Construction):** The subcontractor-base is all familiar with working in the City of Boston. We are happy with the M/WBE percentages. **Mukiya:** Any trades have challenge meeting workforce requirements? **Nate:** Historically, masonry, but with Pegasus, I'm confident we won't experience any problems. Elevator trade is tough. We've done well with local minority hiring but have struggled with women hours. We realize we are a women-owned business and we are focused on improving that. **Mukiya:** The language in your employment outreach "good fit". What does that mean? **Nate:** I think it was supposed to say Good Faith. We'll go back and look. **Commissioner Cofield:** Forma has never met the Boston hiring goals. I guarantee we will have this conversation before this job is complete. **Nate:** Commissioner, you are correct. Historically they have struggled. We have met with them. We are actively working with them to help them succeed. We recently shared the resumes from the recent job fair 1/27/22 with them. **Commissioner Cofield:** They have a job in Hyde Park, Blue Hill and not one black person on the site in the neighborhood they are working in. **Nate:** Good to know. We will keep you in the loop as we assist them to succeed. **Barry Keady (Local 12 Plumbers):** Kaplan has reached out for help to meet goals. We are meeting today at Local 12 with The Community Mentoring team. Hopefully if things go well we can get some neighborhood people on to that project. That's our commitment. **Priscilla Flint-Banks (Community Advocate/BEJI):** The contactor Commissioner Cofield just mentioned (Forma). How will you make the difference? **Nate:** We have shared carpentry and labor resumes with them we felt would be good fits for a concrete company. We encourage them to place job postings in local publications, as we do. They do have some minorities in their current staffing. Not a lot of Boston residents. If you have ideas or other avenues we should be exploring, we are open. **Mukiya:** In terms of your outreach, it's best to involve the unions. Also, are your picking up permanent workforce base. It's obtainable and as we come out of this pandemic, it's a ripe time for building the diversity of the workforce. **Nate:** Kaplan's field staff is 50% minority and 30 – 40% Boston residents. We are very successful in meeting/exceeding hiring goals. We are working with Katrina Conrad (WORC2) who has been helpful in assisting us to improve ourselves and our subcontractors. **Commissioner Burton:** Are there provisions in your contract that allows you to incentivize or penalize for non-compliance of the BRJP goals? **Nate:** It's a requirement in our contract and there are penalty clauses (no incentives at the time). **Kirsten Studlien (MOH):** The Mayor's Office of Housing is very supportive of this project. It is an Incredible opportunity to create senior housing in the Uphams Corner neighborhood. We've worked with Dorchester Bay numerous times, and I have a high level of confidence in their and Kaplan's ability to meet these requirements and goals. **Priscilla:** What do the female numbers look like? **Jacqueline:** There are no projections for the workforce, currently (15% for WBEs)

III. PROJECT REVIEWS

A. Grace Apartments

Duration: 36 mins

Present: Shelley Webster (InOrder Business Development Solutions), Gary Nashawaty (Marguerite Concrete), Al Peciario (Marguerite Concrete), Tanya Hahnel (East Boston CDC), Nicole Henderson (New England Construction), Mark Casoli (New England Construction), Mike O'Connell (New England Construction), Rhianna Bernal (Mayor's Office of Housing), and Robert Woodson (BRJP Monitor)

Project Overview:

18,149 wkhrs, 211 workers, 9 Contractors, 28%BR, 37%POC, 4%F.

Robert Woodson (BRJP Monitor): Highlights and Concerns - The project is approx. 60% complete. The overall weekly submission rate is 9 days. I'm confident they will reach the 7-day requirement. There have been 19 Boston residents and 18 are verified. The project is not meeting the POC goal of 40% at 37%. The project is not meeting the Boston resident goal of 51% at 28%, and the female goal of 12% at 4%. **Enforcement of 7 Compliance Efforts** — In compliance. **Recommendations:** Contractors must make every effort to start the project in compliance. Contractors should continue to reach out to the union halls to fulfill BRJP hiring needs. Contractors that are not meeting the goals in one or more categories will need to provide an action plan as to their efforts. **Shelley Webster (Inorder Business Development Solutions):** I would like to note there was a significant turnaround on workforce participation. Since the October stat report, to date – Boston Residents went from 23% - 27%, People of Color went from 32% - 37%. We had quite a few corrective action meetings. There was an adverse impact on female participation which, unfortunately, decreased the overall performance. JRF (72%, 32%), New England Plumbing (35%, 66%), MP Masonry (21%, 90%) and Finbarr (32%), had high performance percentages in Boston residents and People of color. Some higher than others. Marguerite was invited to speak to their challenges. They have 7,400 work hours and have unfortunately adversely affected the overall goals achievement of the project. **Commissioner Cofield:** I would like to hear from Marguerite what challenges there are in meeting the Boston Residents and People of Color numbers. The numbers are horrible. **Commissioner Burton:** Open Shop has for the most part met or exceeded goals and their hiring efforts during the pandemic has been good. We have asked the BRJP monitors to invite contractors who are not meeting the goals to the BEC so we can hear directly what the challenges are. **Alex Pecairo (Marguerite Concrete):** Boston residents is one of our biggest challenges. Marguerite works throughout New England (333,713 Carpenter hours in 2021) When we get a job in Boston area, we reach out to the union hall. When people are asked to go to another site, the pay goes down. It's a consistent challenge. **Commissioner Burton:** Thank you for that explanation. Marguerite has been successful in Boston and throughout. We are specifically addressing Boston residents on this project. Why are the number low? Where are those people? **Marguerite:** We have crews established on jobs. We can't pull people off? **Commissioner Burton:** You don't plan for Boston-based crews? You never mix construction crews? **Marguerite:** There are repeatedly things that are fluid (not saying we never mix). **Commissioner Cofield:** People can be moved around. There are people on the bench. **Marguerite:** We called the hall last Friday and they just provided someone.

Public:

Mukiya Baker Gomez (Community Advocate): I'm appalled by Marguerite's representation. It's insulting. You have demonstrated you're not interested in following the rules. **Marguerite:** I understand that people of color and women were discriminated against for many years and we are trying to accommodate. The challenge is Boston residents. **Mukiya:** What are the numbers of your permanent crew that are Boston Residents? **Marguerite:** 400-500 employees (10%BR). **Priscilla Flint-Banks (Community Advocate/BEIJ):** Did you sign a contract that you would provide BR/POC/F? You have a long history of non-compliance. **Marguerite:** The best I can tell you is that we are trying. We are working with Youthbuild Boston and made a major donation April, June, November and December. These are not excuses. I'm trying to explain the facts we deal with. **Priscilla:** How many years have you done business with the City of Boston? **Marguerite:** 30 years. I'm not arguing the point. **Gary Nashawaty (Marguerite):** We have a lot of projects that are phased. Sometimes it's 3-4 months to get back. Grace – Foundation gap (6 – 8 mos). Crew changed 5 times on a job that was supposed to start in September. I always tell the GC to give the name and numbers of people looking for work. **Commissioner Burton:** We appreciate you being here. You are hearing years of frustration built up from community leaders. We want to know how you are going to fix this. Perhaps there's opportunity to rethink your staffing process after 30 years. **Marguerite:** I hope you see that in our outreach to Youthbuild. **Commissioner Burton:** Youthbuild is great, but they turn out a limited amount. **Mukiya:** I didn't hear a personnel plan or building core crew. If you have used individuals of color and women in the past, how have you pulled from that resource? You are a WBE (Marguerite is no longer a WBE). I'm appalled. **Commissioner Burton:** What is the pro-active plan going forward? **Nichole Henderson (New England Construction):** We have been having Corrective Action meetings and will consider withholding payment. **Shelley:** We have been talking about sanctions and getting support on that. Since Nichole and Matt have come on with New England Construction they have been very pro-active meeting with subcontractors and letting them know the seriousness of compliance. The numbers are improving. We have a ways to go with female workforce performance. **Priscilla:** Shelley, I know you know this work and what needs to be done. **Commissioner Cofield:** Suggest the company call the union halls again. There are people who can meet these numbers. **Commissioner Burton:** We would like another report in 2 months (April). **Marguerite:** Are you aware we only have 5 days of work remaining on the project? **Commissioner Burton:** No, I was not aware. Thank you for that context. The

Commission would like New England Construction to submit a written progress report (to include whether any payments have been withheld) by the April 20, 2022 BEC Hearing.

B. Walando Homes II

Duration: 21 mins.

Present: Kiele Mauricio (Codman Square NDC), Ericka Pasersky (Groom Construction), Linda Lazo (InOrder Business Solutions), Patti Colone (Groom Construction) and Robert Woodson (BRJP Monitor)

4,901 wkhrs, 101 workers, 8 Contractors, 40%BR, 59%POC, 8%F

Project Overview:

Robert Woodson (BRJP): Highlights and Concerns - The project is approx. 25% complete. The overall weekly submission rate is 7 days. There have been 16 Boston residents and 13 are verified. The project is not meeting the POC goal of 40% at 59%. The project is close but not meeting the Boston resident goal of 51% at 40%, and the female goal of 12% at 8%. Contractors must make every effort to start the project in compliance. Contractors should continue to reach out to the union halls to fulfill BRJP hiring needs. Contractors that are not meeting the goals in one or more categories will need to provide an action plan as to their efforts. **Enforcement of 7**

Compliance Efforts — In compliance. **Recommendations:** Contractors must make every effort to start the project in compliance. Contractors should continue to reach out to the union halls to fulfill BRJP hiring needs. Contractors that are not meeting the goals in one or more categories will need to provide an action plan as to their efforts.

Linda Lazo (InOrder Business Development Solutions): In preparation for the BEC we held Corrective Action meeting within the past 2 weeks with certain subcontractors that needed help. We received a good number of Best Faith Efforts. HB Plumbing submitted BFEs and invited Barry Keady (Local 12 Plumbing) to speak if needed. We received additional Boston resident verification from Aguiar Landscaping (2) and Victor Francis Mechanical (1). Groom also self-performed w/in the last 2 weeks and added 2 workers – 1 black female resident who also works with ADEP Group. Numbers are trending upward. **Ericka Pasersky (Groom Construction):** Some subcontractors are new to certification and payroll process and are resubmitting workhours in categories they forgot to submit. Our focus every week is on hiring and reaching the workforce goals. Job applications are provided onsite with QR code. We've (Groom) performed 8-10 interviews and hired 2 people. Applications are also distributed to the Boston Jobs Bank (Open Shop). 2 applications were plumbers/union (outreach to the halls). Good turn out on application submission with community engagement. Some folks hired and put on the project. Would like to note that percentages of subcontractor bought out are 58% MBEs, 19% WBEs and 24% Boston-based. **Commissioner Broomstein:** Who's the Electrical subcontractor and is this Open Shop or Union? **Ericka:** Boston Electrical Solutions – WBE/Open Shop. Groom is an Open Shop GC. With the assistance of Shelley/InOrder Business Development Solutions, we spent 2-3 months in bid out to Open Shop and Union. In addition to other factors, the final awards were based on commitment to the BRJP goals. **Commissioner Broomstein:** Who are the Laborers? **Robert/Ericka:** Aguiar Landscaping (844 workhours) and ADEP Group (1,135 workhours) – Demo, Abatement and Sitework. **Shelley:** Participation has been mainly non-union subcontractors. **Ericka:** The plumbers' resident and female hours will increase. They have hired an additional person in the last week. So the next time we meet, you will see improvement.

Public:

Priscilla Flint-Banks (Community Advocate/BEJI): I know there are female electricians. Is this union or open shop?

Commissioner Burton: To give context, this is an open shop project and an open shop GC. The mix of subcontractors will be both open shop and union. **Ericka:** Our electricians have worked with the Jobs Bank and we've done the job fairs and are signed up for the upcoming one. The electrician is a WBE and we will continue to work with them on hiring female electricians. They are a small crew working two sites. **Commissioner Burton:** Being a WBE, it is highly unusual that there is 0% for female participation. I realize you mentioned subcontractors having problems with properly entering the workforce categories. You are close in some numbers and at a distance in others. We'll look forward to your next review. **Mukiya:** When putting the team together, did you look at prior subcontractor history on Boston City work? **Ericka:** This is our first BRJP project and the reason why we reached out and hired InOrder Business Development Solutions (Shelley Webster). **Shelley:** We did look into subcontractor past history. There was a strong commitment from Codman Square Development to engage MBEs. We reached out to the BRJP office for help with getting that information but we were dealing with pandemic conditions when

we were in the buyout stage and the information wasn't always readily available. We relied on the subcontractors to share their past history. **Mukiya:** Codman Square NDC has been a strong supporter of neighborhood Economic Equity projects for a long time. To their betterment, they are in the neighborhood of a large number of small MBE/WBEs. You must be creative with outreach. Utilize local mediums like Praise Radio, Dorchester Reporter and other local papers. **Shelley:** Thank you for those suggestions. 58% of MBES are on this project. Some are contractors that worked on previous Codman Square Development projects. **Commissioner Burton:** Scattered site project? **Ericka:** Yes, locations are 31 – 35 Orland St. (Mattapan) and 99-101 Waldeck St. (Dorchester). **Commissioner Espinoza-Toro:** Picking up on Mukiya's point regarding outreach. Please connect with me for further outreach. If the contractor can carve out a small piece of the work, I have plenty of folks in the pipeline through a contractors program I run. I will put my contact in the chat. **Ericka:** Thank you Commissioner. **Commissioner Burton:** Good collaboration works.

IV. BEC Commissioners' Follow-up Requests/Concerns

- Fenway Parcel 7A was asked to submit a written update on workforce goal measurements by the March BEC Hearing
- New England Construction written update report on Boston Residence and Female workforce percentages by April 20th BEC Hearing.

V. SANCTIONS:

Commissioner Burton: The Commission will continue to keep sanctions as a line item on the monthly BEC Agenda. We have not forgotten the work that was done by all community stakeholders who shared your voices on the sanctions issue of enforcing for non-compliance. We are in dialogue with the city staff (new administration) to review which can and cannot be reviewed for sanctioning.

VI. DIRECTOR'S REPORT:

Duration: 5 mins.

Andre Lima (Deputy Director of Supplier Diversity/BRJP): 2 things: 1) I've been informed by rep from the Mayor's Office on Boards and Commissions that recommendation on New Commissioners is expected from the Mayor by the end of today or this week. We should be able to share at March's BEC. 2) State bill passed providing extension of virtual public meetings, at least until July 2022. I will check in with the City's Chief of Economic Opportunities and Inclusion (Chief Idowu) on the city's plan. We will update with further information in March. **Commissioner Burton:** I'd like to recommend continuing in virtual meetings. We have seen more participation in remote attendance. Suggest look at prior attendance before and after pandemic. **Andre:** I will communicate that to the Mayor. **Mukiya:** Andre, did you sit through this hearing? **Andre:** Yes. **Mukiya:** How significant of support can we get from the Mayor regarding the implementation of sanctions? How is the legal department helping in this matter? **Andre:** The law department and the Mayor's office are looking into this. It is a very high priority for myself and Chief Idowu. **Mukiya:** I recommend that you look at the Public Construction Law's section on Sanctions. It could be helpful.

Commissioner Burton called for a motion to adjourn the meeting. Commissioner Cofield made motion to adjourn, Commissioner Broomstein 2nd. All I's..

Meeting adjourned: 2:58pm